

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

**DISABLED PATRIOTS OF
AMERICA, INC., et al.,**

v.

Plaintiffs,

07-CV-0298S(Sr)

**NIAGARA INN CORPORATION
and
AMIDEE HOTEL NIAGARA, LLC**

**ORDER OF PRELIMINARY
PRETRIAL CONFERENCE**

Defendants.

Pursuant to the Order of the Hon. William M. Skretny referring the above-captioned action to the undersigned for pretrial proceedings under 28 U.S.C. § 636(b)(1)(A), a preliminary pretrial conference will be held on **May 27, 2007 at 3:00 p.m.**

At least twenty-one (21) days prior to this conference, attorneys for the parties shall meet [if a party is unrepresented, the actual party will be directed to meet] and comply with Rules 26(a)(1) and 26(f) of the Federal Rules of Civil Procedure. Within fourteen (14) days of this meeting, the parties shall submit a proposed Discovery Plan to the Court in accordance with Rule 26(f). The enclosed proposed order shall be considered when formulating said plan but shall not be a substitute for full compliance with Rule 26(f).

Attorneys for the parties [if a party is unrepresented, the actual party] shall also confer about Alternative Dispute Resolution (“ADR”), as part of their discussion of “the possibilities for a prompt settlement or resolution of the case” pursuant to Rule 26(f). Unless the parties agree to a different intervention, it is presumed that they will

participate in mediation as set forth in the Plan for Alternative Dispute Resolution.¹

At the Rule 16(b) conference, counsel shall discuss all pretrial matters referred to in Rule 16(a), (b), (c) and (e) of the Federal Rules of Civil Procedure, and Local Rule 16.1. Counsel will also inform the Court about compliance with the initial disclosure requirements of Rule 26(a) and the status of all discovery which has been either completed or scheduled as of the date of the conference, as well as the specifics of the proposed Discovery Plan. At the conclusion of the conference, a trial date will be set before Judge Skretny or, if Consents to Trial Before a Magistrate Judge are filed, before the undersigned.

The Magistrate Judge is available to conduct any or all proceedings in a jury or non-jury civil matter and to order the entry of judgment in the case pursuant to 28 U.S.C. § 636(c). Attached hereto is a Notice of Right to Consent to Disposition of a Civil Case by a United States Magistrate Judge, together with a consent form, for consideration by the parties. **The parties are encouraged to consider and act favorably on such consents; however, it is emphasized that there will be no substantive adverse consequences should the parties elect not to do so.** Counsel are directed to discuss this option with their clients **prior** to the scheduled pretrial conference in this case and advise the Court at the conference.

¹ A copy of the ADR Plan, a list of ADR Neutrals, and related forms and documents can be found at <http://www.nywd.uscourts.gov> or obtained from the Clerk's Office.

Following completion of the conference, a scheduling order will be entered in accordance with Fed.R.Civ.P. 16(b).

SO ORDERED.

DATED: Buffalo, New York
May 7, 2008

S/ H. Kenneth Schroeder, Jr.
H. KENNETH SCHROEDER, JR.
United States Magistrate Judge